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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,001	04/20/2001	Harald Apfelthaler	KWO-17702/01	2739

7590 03/01/2004

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/839,001

Applicant(s)

APFELTHALER, HARALD

Examiner

Yvonne M. Horton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 2-11, 15 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 26 and 27 is/are allowed.
- 6) ☐ Claim(s) 20-22 is/are rejected.
- 7) ☐ Claim(s) 2-11 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

The request filed on 11/24/03 for a Continued Examination Application (RCE) under 37 CFR 1.116 based on parent Application No. 09/839,001 is acceptable and an RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,628,582 LEOPOLD. LEOPOLD discloses a muntin (20a,b) having an end (E), an outer surface (colored red), and an inner wall (colored blue) defining a hollow space (colored yellow) having a planar wall (also colored blue) in combination with a terminal plug (150) including a body (152,154), a flange (F and colored purple), a plurality of spring elements (164,184), and a longitudinal slot (156a and colored orange) wherein, when the body (152,254) is inserted into the hollow space (colored yellow) of the muntin (20a,b) the longitudinal slot (156a and colored orange) spreads apart (see figure 10) and the spring elements (164,184) engage the inner wall planar surface (colored blue).
SEE THE MARKED ATTACHMENT

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,628,582 to LEOPOLD. LEOPOLD discloses a muntin (20a,b) having an end (E), an outer surface (colored red), and an inner wall (colored blue) defining a hollow space (colored yellow) having a planar wall (also colored blue) in combination with a terminal plug (150) including a body (152,154), a flange (F and colored purple), a plurality of spring elements (164,184), and a longitudinal slot (156a and colored orange) wherein, when the body (152,254) is inserted into the hollow space (colored yellow) of the muntin (20a,b) the longitudinal slot (156a and colored orange) spreads apart (see figure 10), the spring elements (164,184) engage the inner wall planar surface (colored blue), and the flange engages the outer surface (colored red) of the muntin (20a,b), see figure 11. LEOPOLD discloses the basic claimed muntin and terminal plug combination except for explicitly detailing the width dimensions of the plug body with respect to the hollow space. Although LEOPOLD is silent with regards to the details of the width dimensions of the plug body, he does however detail in column 3, lines 50-53, and column 4, lines 57-59, that the terminal plug member is resiliently deflectable and moves into latching engagement in order to secure with the frame segments. Also, the figures clearly show a very close and snug fit between the terminal plug (150) and the muntin members (20a,b). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the width of the terminal plug

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body of LEOPOLD is greater than the width of the hollow space in order to facilitate deflection of the spring elements (164,184) and the close fit of the terminal plug (150) within the hollow space (colored yellow) of the muntins (20a,b) as shown in the figures. Further, due to the fact that the terminal plug of LEOPOLD also functions to prevent loss of a desiccant material disposed within the muntin members, it is evident that a snug "friction" fit is formed between the terminal plug and the hollow space defined in the muntin. In reference to claim 22, the plug body (152,154) comprises opposing walls (colored orange) that define the longitudinal slot. SEE THE MARKED ATTACHMENT.

Allowable Subject Matter

Claims 2-11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 26 and 27 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 2-11, the prior art of record fails to teach the use of a terminal plug having a longitudinal slot in combination with a muntin member wherein the longitudinal slot of the of the terminal plug receives a screw that passes through the flange.

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In reference to claim 15, the prior art of record fails to teach the use of a terminal plug having a flange and in combination with a muntin member wherein the flange of the terminal plug further includes a recess that communicates with the longitudinal slot of the terminal plug.

Regarding claim 26 and 27, the prior art of record fails to teach the use of a terminal plug having a longitudinal slot and a flange in combination with a muntin member wherein the flange of the terminal plug further includes a recess that communicates with the longitudinal slot of the terminal plug and the longitudinal slot of the of the terminal plug receives a screw that passes through the flange.

Response to Arguments


Applicant's arguments with respect to claims 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YMH
Primary Examiner
February 21, 2004

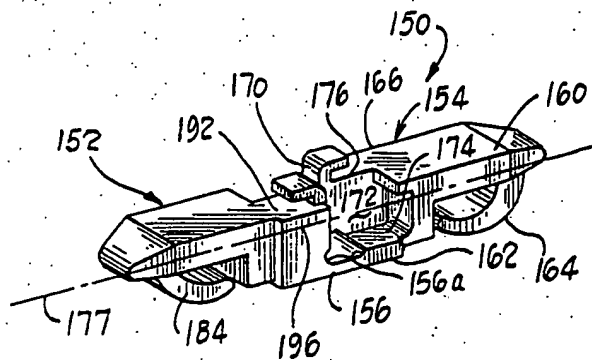


Fig. 9

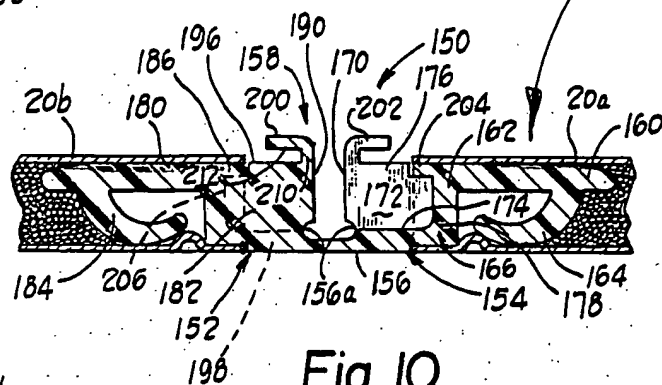


Fig. 10

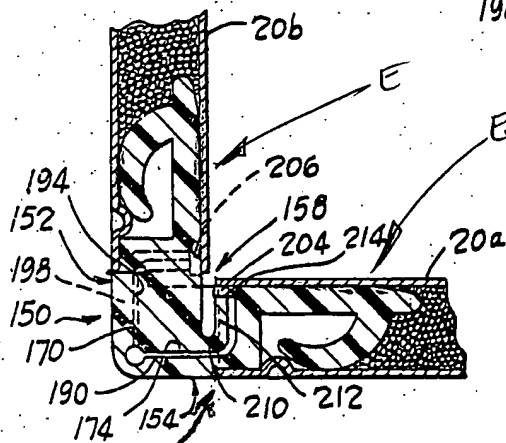


Fig. 11

Outer
surf

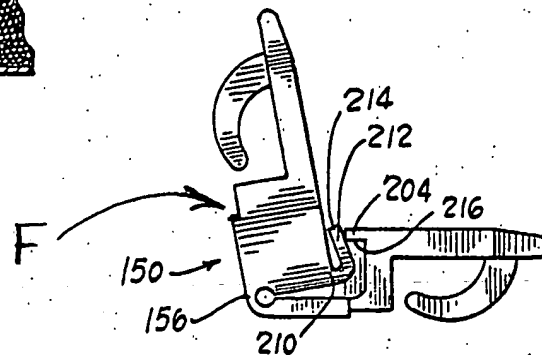


Fig. 12